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October 23, 2014

Office of Chief of Naval Operations
Department of the Navy
ATTN: Robin Patterson
2000 Navy Pentagon
Washington, DC 20350-2000

Sent via Email to DONFOIA-PA@navy.mil

R.E.: Removal of Bibles from Navy Lodges

Dear Ms. Patterson:

This is a request under the Freedom of Information Act (5 U.S.C. § 552) ("FOIA").

Chaplain Alliance For Religious Liberty exists to ensure that chaplains can defend and provide for the freedom of religion and conscience that the Constitution guarantees all chaplains and those whom they serve. Part of our mission is to serve as a common point of information for exposing the rising tide of threats to religious liberty. We will publish the results of this FOIA to our members, media, and members of Congress.

While we are grateful that ultimately a decision was made to return the Bibles to Navy Lodges, we are troubled by the decision by NEXCOM to order the removal of Bibles from Navy Lodges.¹ As we told Todd Starnes of Fox News, "This is just one more assault by military leaders against anything Christian."² This ongoing assault on our men and women of faith is getting tiresome. The men and women our chaplains minister to, as well as everyone else, have every right to look at literature, including Bibles, in hotel rooms. The Bibles are donated to the Navy at no cost to the Navy or the U.S. Government. This is not a violation of the Establishment Clause and there is no reason to remove the Bibles other than hostility toward religion, which itself may violate the Establishment Clause.

Because of our mission, we seek to determine the sources NEXCOM's command as well as the Office of the Chief of Naval Operations relied upon in reaching its decision to remove all Bibles from Navy lodges and then to decide to return the Bibles. We also seek to determine the

¹ NEXCOM Information Bulletin, "Navy Lodge Program: 14-004," 19 June 2014, available at http://www.afa.net/media/1150/nexcom_directive.pdf (last visited August 12, 2014).

² Todd Starnes, "Navy removes Bibles from guest rooms," *Fox News*, August 11, 2014,

² Todd Starnes, "Navy removes Bibles from guest rooms," *Fox News*, August 11, 2014, available at <http://www.foxnews.com/opinion/2014/08/11/navy-removes-bibles-from-guest-rooms/> (last visited August 12, 2014).

discussions among the Chief of Naval Operations command relating to the decision to remove and then to return the Bibles to Navy Lodges.

For purposes of this FOIA request,

- “Records” includes correspondence, memoranda, documents, statements, e-mails, text messages, letters, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, notes, and other documents and things that refer or relate to the foregoing matter in any way.
- “NEXCOM’s command” includes the signers of NEXCOM Information Bulletin Navy Lodge Program 14-004, and anyone serving on the staff of any of these officers.
- Office of Chief of Naval Operations includes any who had direct contact with NEXCOM in the decision to remove and restore the Bibles to Navy Lodges.
- “FFRF” (Freedom from Religion Foundation) includes FFRF’s co-presidents, Dan Barker and/or Annie Laurie Gaylor; any of FFRF’s attorneys, staff, volunteers, and/or anyone else known to be associated/affiliated with FFRF, including any of its officers, employees, staff, or agents.
- “MRFF” (Military Religious Freedom Foundation) includes Michael “Mikey” Weinstein or anyone known to be associated/affiliated with MRFF, including any of its officers, employees, staff, or agents.
- “AU” (Americans United for the Separation of Church and State) includes anyone known to be associated/affiliated with AU, including any of its officers, employees, staff, or agents.
- “Civilians” includes any member of the public who is not presently serving in any branch of the military, except “civilians” does not include anyone known to be associated/affiliated with FFRF, MRFF, or AU, including any of their officers, employees, staff, or agents.

Specifically, pursuant to 5 U.S.C. § 552 we ask for the following:

1. Records of any communications describing complaints from Navy personnel relating to or mentioning Bibles in the rooms of lodges on Navy Bases prior to the complaint by the FFRF dated 12 March 2014.
2. Records of any communications describing complaints from non-Navy servicemen and servicewomen relating to or mentioning Bibles in the rooms of lodges on Navy Bases prior to the complaint by FFRF dated 12 March 2014.
3. Records of any communications describing complaints from civilians relating to or mentioning Bibles in the rooms of lodges on Navy Bases prior to the original complaint by FFRF dated 12 March 2014.

4. Records of any communications made between July 1, 2013 and September 30, 2014 from the Chief of Naval Operations command and his staff relating to or mentioning Bibles in the rooms of Navy lodges.
5. Any other records or communications relied upon by Chief of Naval Operations command in reaching the decision to remove Bibles from lodges on Navy Bases and then to return Bible to lodges on Navy Bases.

Chaplain Alliance For Religious Liberty asks that the Office of Chief of Naval Operations produce all responsive correspondence, memoranda, documents, statements, e-mails, text messages, letters, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, notes, and other documents and things that refer or relate to the foregoing matter in any way. If any responsive record or portion thereof is claimed to be exempt from production under FOIA, sufficient identifying information (with respect to each allegedly exempt record or portion thereof) must be provided to allow the assessment of the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert denied*, 415 U.S. 977 (1974). Additionally, any reasonably segregable portion of a responsive record must be provided after redaction of any allegedly exempt material, as the law requires. 5 U.S.C. § 552(b).

Chaplain Alliance for Religious Liberty requests that all readily releasable documents be sent as soon as possible and process separately those subject to exemption.

Chaplain Alliance For Religious Liberty is a 501(c)(3) tax-exempt organization. I am its executive director. We respectfully request waiver of fees but are willing to pay fees up to the amount of \$100.00. If the fees will exceed this amount, please inform me before fees are incurred.

Please mail a copy of these records to me at Chaplain Alliance For Religious Liberty, P O Box 151353, Alexandria, VA 22315 or email an electronic version of these records to me at rcrews@chaplainalliance.org. If you elect to charge a fee please enclose an invoice with your response.

If you are not the proper department to handle this FOIA request, please forward my request to the proper department and notify me by email.

Thank you for your consideration and assistance.

Sincerely,



Ronald A. Crews
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